



STATE OF MICHIGAN
**Department of
Human
Services**

Testimony on HB 4222

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Prevention & Treatment Board**
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Good morning. My name is Jerry Dorsey, IV, and I am a member of the Michigan Domestic Violence Prevention and Treatment Board. I would like to thank the committee for allowing me to testify today on behalf of the Board. The Board supports HB 4222, which authorizes courts to issue Personal Protection Orders to protect individuals who have a reasonable apprehension of sexual assault from someone who is not a domestic partner.

HB 4222 is needed to fill a gap in Michigan's current protection order statutes. Currently, individuals who fear sexual assault at the hands of another person can only obtain a PPO in one of two ways:

- They can get a PPO to prevent stalking if they can show that the person they fear has engaged in two or more unconsented contacts that would constitute stalking under Michigan's criminal stalking statutes.
- Alternatively, they can get a domestic relationship PPO if the person they fear has a qualifying domestic relationship with them. These include: spouse/former spouse, past/present dating relationship, past/present resident of same household, or child in common.

From my professional practice as Deputy Chief of the Child/Family Abuse Bureau at the Wayne County Prosecutor's Office, I know that Michigan's current PPO laws leave several categories of individuals unprotected from sexual assault:

- An individual who has been sexually assaulted on a single occasion cannot get PPO protection against a perpetrator who remains at large. A common scenario involves a college or high school student who has been assaulted by an acquaintance. In a case like this, the evidence may not support criminal charges, or the assault victim may be afraid or ashamed to report the crime to police. Nonetheless, the victim may face an ongoing threat from ongoing contact with the perpetrator of the assault.
- An individual who has been sexually assaulted on a single occasion cannot get PPO protection against a perpetrator who has been released from prison after completing the sentence imposed for the crime. The need for PPO protection is particularly acute if the perpetrator has returned to the community without being subject to parole or probation conditions that might otherwise protect the victim.
- Individuals who fear a sexual assault due to the words or actions of another person are not eligible for PPO protection unless the other person's behavior amounts to stalking.

The MDVPTB is in favor of extending PPO relief to individuals in situations like those I have just described, where criminal law remedies do not offer adequate protections. I note that 17 other states have enacted laws similar to the amendments offered in this bill, providing victims who have been sexually assaulted or are in fear of assault with protective order relief. These states include California, Florida, Illinois, Texas, Minnesota, Wisconsin, Washington, Wisconsin and Tennessee.

Thank you for your kind attention. I would be happy to answer any questions.